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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

HOWARD HOUSTON,

Plaintiff,

ECF CASE

07 Civ. 6305 (HB)

SEWARD & KISSEL LLP,

Defendant.

STIPULATION & ORDER OF DISMISSAL WITH PREJUDICE

IT IS HERBBY STIPULATED AND AGREED, by and between the parties, through their undersigned counsel, that pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the above-captioned proceeding shall be and is hereby dismissed with prejudice, and each party shall bear its own costs.

Dated: May ___, 2008

BANKS LAW OFFICE, P.C.

Robert S. Banks, Jr., Esq.

209 SW Oak Street, Suite 400 Portland, OR 97204 bob@bankslawoffice.com

Attorneys for Plaintiff

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

> Gerard Harper, Esq. Jacqueline P. Rubin, Esq. Jana C. Ramsey, Esq.

1285 Avenue of the Americas New York, NY 10019-6064 jramsey@paulweiss.com

Attorneys for Defendant

SO, ORDERED!

Judge Harold Baer